

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**NOTICE OF HEARING AND MOTION FOR AN ORDER  
AUTHORIZING SALE OF ASSETS FREE AND CLEAR OF LIENS**

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To: Parties specified in Local Rule 9013-3.

1. Randall L. Seaver, the duly-appointed Chapter 7 Trustee in the above-referenced bankruptcy case ("**Trustee**"), moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on August 3, 2011, Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard.

3. Any response to this motion must be filed and delivered no later than July 29, 2011 which is five (5) days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure, and Local Rules 1070-1 and 1073-1. This is a core proceeding. This case was commenced as a voluntary Chapter 7 proceeding on June 4, 2009. The case is now pending before this Court.

5. This Motion arises under 11 U.S.C. §363(b) and (f) and Bankruptcy Rule 6004.

6. The Trustee owns one unit of RWB Development Company, LLC ("**RWB**") which he desires to sell to Gary M. Petrucci, a pre-existing unit holder of RWB, for the sum of \$7,500.00.

7. The Trustee believes that the stock sale is fair and reasonable and is the best opportunity to obtain value for the estate's interest in the stock.

8. The sale will be free and clear of any liens, claims or interests.

9. Mr. Petrucci or any higher bidder shall be subject to RWB's member control agreement.

10. The Trustee does not believe that any party holds a perfected non-avoidable security interest in the shares

11. If a higher offer is obtained prior to the hearing, the Trustee will pursue that sale.

12. Pursuant to Local Rule 9013-2(c), the Trustee gives notice that he may, if necessary, testify at the hearing regarding the proposed sale.

**WHEREFORE**, the Trustee moves the Court for an order authorizing the Trustee to sell one unit of RWB Development Company, LLC with the sale being free and clear of interests in such property pursuant to 11 U.S.C. §363(b) and (f) with such interests, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition and granting such other relief as the Court may deem just and equitable.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: July 8, 2011

By \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee of the Bankruptcy Estate of Dennis E. Hecker, the moving party named in the foregoing Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and Clear of Liens, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: July 8, 2011

/e/ Randall L. Seaver

\_\_\_\_\_  
Randall L. Seaver, Trustee

440813

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

---

In re:

BKY No.: 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

---

**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on July 11, 2011, I caused the following documents:

***Notice of Hearing and Motion for an Order Authorizing Sale of Assets Free and  
Clear of Liens and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Stephanie Wood

Dated: July 11, 2011

---

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(612) 332-1030

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GREENWICH CT 06830

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ASPEN CO 81611

CITY OF BAYPORT  
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BAYPORT MN 55003

CITY OF MEDINA  
2052 CO RD 24  
HAMEL MN 55340

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**ORDER AUTHORIZING SALE OF ASSETS**

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This case is before the court on the motion of Randall L. Seaver, trustee, seeking an order authorizing the trustee to sell one unit of RWB Development Company, LLC to Gary M. Petrucci.

Based on the motion and the file,

IT IS ORDERED:

- A. The trustee is authorized to sell the estate's interest the unit.
- B. The property and rights sold shall be free and clear of any interest in such property pursuant to 11 U.S.C. §363(b) and (f) with such interests, if any, attaching to the proceeds of sale with the same priority, dignity and effect as such interests existed pre-petition.
- C. The buyer should be subject to the membership control agreement of RWB Development Company LLC.
- D. The proceeds shall be deposited in the trustee's account and held subject to further order of the court.
- E. Notwithstanding Fed. R. Bankr. P. 6004(g), this order is effective immediately.